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Attorneys for All Defendants

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Think Computer Corporation ,

Plaintiff,

v.

ROBERT VENCHIARUTTI, in his official capacity as Deputy Commissioner of the California Department of Financial Institutions; WILLIAM HARAF, in his official capacity as Commissioner of the California Department of Financial Institutions; TRACI STEVENS, in her official capacity as Acting Secretary of the California Business, Transportation and Housing Agency; JACOB A. APPELSMITH, in his official capacity as Senior Advisor to the Governor of the State of California; EDMUND G. BROWN, JR., in his official capacity as Governor of the State of California; and KAMALA HARRIS, in her official capacity as Attorney General of the State of California,

Defendants.

5:11-cv-05496-HRL

Unopposed Motion for Administrative Relief (to Continue Case Management Conference)

Current Date: January 10, 2012

Time: 1:30 pm

Courtroom: 2

Judge The Honorable Howard R. Lloyd

Trial Date: Not Set

Action Filed: November 14, 2011

Defendants ROBERT VENCHIARUTTI, in his official capacity as Deputy Commissioner of the California Department of Financial Institutions, WILLIAM HARAF, in his official capacity as Commissioner of the California Department of Financial Institutions, TRACI STEVENS, in her official capacity as Acting Secretary of the California Business, Transportation and Housing Agency, JACOB A. APPELSMITH, in his official capacity as Senior Advisor to the Governor of the State of California, EDMUND G. BROWN, JR., in his official capacity as Governor of the State of California, and KAMALA HARRIS, in her official capacity as Attorney General of the State of California (collectively, the “State Defendants”) hereby file this unopposed motion for administrative relief pursuant to Local Rules 7-11 and 16-2(d) to continue the initial Case Management Conference (CMC) and associated dates.

The State Defendants move to continue the initial CMC from January 10 to January 31, 2012. Counsel for the State Defendants has spoken with Michael Brooks Carroll, Esq, who will be filing a notice of appearance in this action for plaintiff Think Computer Corporation, and Mr. Carroll indicated plaintiff was not opposed to this short continuance.

This application is supported by the attached Memorandum of Points and Authorities and Certification of Counsel.

Dated: January 3, 2012

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
PETER SOUTHWORTH
Supervising Deputy Attorney General

/s
PETER SOUTHWORTH
Supervising Deputy Attorney General
Attorneys for All Defendants

MEMORANDUM OF POINTS AND AUTHORITIES

Basis for Continuance/Certification Re: Lack of Opposition

On November 14, 2011, the President of plaintiff Think Computer Corporation filed a complaint in this matter against the State Defendants. After plaintiff’s efforts to serve summons

1 and complaint on the various defendant state officials, counsel for the State Defendants proposed
 2 that the Attorney General accept service of the summons and complaint for all defendants,
 3 effective December 23, 2011. Plaintiff Think Computer Corporation agreed.

4 The State Defendants then indicated they would seek to continue the initial CMC and also
 5 move to strike the complaint, since the corporate plaintiff was not represented by a member of the
 6 bar of this Court. In response, Think Computer Corporation indicated that it was retaining
 7 counsel, Mr. Michael Brooks Carroll. On January 3, 2012, I spoke with Mr. Carroll, who
 8 indicated he would be filing a notice of appearance for plaintiff.

9 In light of the relatively recent entry of counsel for the State Defendants into this action and
 10 the even more recent appearance of counsel for plaintiff Think Computer Corporation, the State
 11 Defendants proposed a first-time continuance of the initial CMC, currently set for January 10. I
 12 certify that counsel for Think Computer Corporation indicated he would not oppose a continuance
 13 to January 31, 2012, at 1:30 p.m. Accordingly, the State Defendants file this application.

14 Proposed New Schedule

15 The State Defendants propose a new initial CMC date of January 31, 2012, at 1:30 pm, with
 16 the following new deadlines consistent with that continuance: last date to meet and confer on
 17 Rule 26 issues and file ADR certification, etc.: January 11; last date to file Rule 26 Report,
 18 complete disclosures or file objections, and file CMC Statement: January 24, 2012.

19 Dated: January 3, 2012

20 Respectfully submitted,

21 KAMALA D. HARRIS
 22 Attorney General of California
 23 PETER SOUTHWORTH
 24 Supervising Deputy Attorney General

25 /s/
 26 PETER SOUTHWORTH
 27 Supervising Deputy Attorney General
 28 *Attorneys for All Defendants*